

Consumer Fireworks Ordinance

Town of Tremont

ARTICLE I, Purpose

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and of the property owners of the Town of Tremont and of the general public.

ARTICLE II, Title and Authority

This Ordinance shall be known as the “Town of Tremont Consumer Fireworks Ordinance.” This Ordinance is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S. § 3001, *et seq.*, and pursuant to the provisions of 8 M.R.S. § 223-A(2).

ARTICLE III, Terminology

Definitions

Meaning of Words. The following words, terms and phrases, when used in this Ordinance, shall have meanings ascribed to them, except where the context clearly indicates a different meaning:

Consumer Fireworks – “Consumer fireworks” has the same meaning as in 27 Code of Federal Regulations, section 555.11, or any subsequent provision, but includes only products that are tested and certified by a 3rd party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include the following products, which are illegal to sell, use, or possess in the State of Maine:

1. missile-type rockets, as defined by the State Fire Marshal by rule;
2. helicopters and aerial spinners, as defined by rule; and
3. sky rockets and bottle rockets. (For purposes of this definition, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.)

Display or Commercial Grade Fireworks – fireworks that only trained and licensed pyro-technicians may handle and that are regulated by the State of Maine and by Federal Law.

ARTICLE IV, Permit Required

- A. No person shall use, display, fire, or cause to be exploded, consumer fireworks within the Town of Tremont without a permit on days not described in Section 5.2.
- B. No fireworks shall be used on any day with a fire danger Class of 3, 4, or 5, regardless of whether a permit has been issued.
- C. A person may use consumer fireworks only on that person’s property or on property of a person who has consented, in writing, to the use of consumer fireworks on their property.

ARTICLE V, Use of Consumer Fireworks Restricted

- A. No person shall use, display, fire, or cause to be exploded, consumer fireworks within 150 feet of any building or structure, including piers, wharfs, floats, and boats.
- B. A person may, without a permit, use, display, fire, or cause to be exploded consumer fireworks within the Town of Tremont, or in or from any watercraft within waters of the Town, only on the following days and during the following times:
 - 1. the weekend before July 4, on Saturday from 12:00 p.m. (noon) –to 10 p.m., and on that Sunday from 12:00 p.m. (noon) to 10:00 p.m.;
 - 2. July 3, 12:00 p.m. (noon) to 11:00 p.m.;
 - 3. July 4, 12:00 p.m. (noon) to 11:00 p.m.;
 - 4. the weekend following July 4, on Saturday from 12:00 p.m. (noon) to 10:00 p.m., and on that Sunday from 12:00 p.m. (noon) to 10:00 p.m.;
 - 5. December 31, 12:00 p.m. (noon) to 12:30 a.m. of the following day;
 - 6. January 1, 12:00 p.m. (noon) to 10:00 p.m.; and
 - 7. a permit from the Code Enforcement Officer is required on days other than those listed in ss. 5.2.1 through 5.2.6., and such permitted use shall begin at 12:00 p.m. (noon) and shall ending at 10 p.m.

ARTICLE VI, Violation and Enforcement

- A. Penalty for Violation: Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00), plus attorney's fees and costs to be recovered by the Town of Tremont. Each incident shall constitute a separate violation. The Town may recover all costs of enforcement of this Ordinance, including reasonable attorneys' fees.
- B. Enforcement: This Ordinance shall be enforced by any contracted law enforcement agency or by any other duly appointed agents of the Town.
- C. Injunction: In addition to any other remedies available at law or at equity, the Town, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- D. Seizure & Disposal of Consumer Fireworks: The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit said seized consumer fireworks to the State for disposal.

ARTICLE VII, Exceptions

- A. This Ordinance does not apply to a person or group of persons issued a fireworks permit in accordance with Maine state law on fireworks; Maine Revised Statutes Title 8, Chapter 9-A, § 221, *et seq.*, and specifically 8 M.R.S. §§ 227-A, *et seq.*
- B. The Town of Tremont is exempt from the provisions of this Ordinance.

ARTICLE VIII, Severability

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

ARTICLE IX, Effective Date

This Ordinance shall be effective on July 1, 2019.

I attest this to be a true copy of this ordinance.

Katie A. Dandurand

Town Clerk

Legislative History

09-04-18: Selectboard directed Town Manager to prepare draft Fireworks Ordinance
09-08-18: Draft prepared by Code Enforcement Officer and Town Manager as directed by Selectboard
09-10-18: Draft reviewed by Law Enforcement Agency
09-11-18: Draft revised by Code Enforcement Officer
09-11-18: Draft reviewed by Town Manager
09-17-18: Draft reviewed by Selectboard
09-26-18: Draft reviewed by Town Manager
12-05-18: Draft Reviewed by Town Attorney
12-20-18: Draft revised by Town Manager
01-07-19: Draft reviewed by Selectboard
03-25-19: Draft certified by Selectboard for Secret Ballot Election
04-16-19: Public Hearing
05-13-19: Adoption by Secret Ballot at Town Election